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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,800	12/30/2003	David Kumar	ELECP010C2	5344

21912 7590 01/25/2005

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EXAMINER

CHENG, JOE H

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/749,800	Applicant(s) KUMAR ET AL. ED	
	Examiner Joe H. Cheng	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-10 and 12-19 is/are rejected.
- 7) ☒ Claim(s) 7 and 11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/19/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed method steps for “providing the requested karaoke content to a plurality of local karaoke units”, “using a content mirror site”, “performing an operation to transfer information”, the “control process”, the “karaoke module” and the “remote karaoke unit” must be shown or the feature(s) canceled from the claim(s). *No* new matter should be entered. Correction is required.

Specification

2. The term “The present application ... incorporated by reference.” on Pg. 1, lines 2-19 should be recited as --This is a continuation application of U.S. Patent Application Serial No. 10/317,510, filed 12/11/2000, now U.S. Patent No. 6,692,259 B2, which is a divisional application of U.S. Patent Application Serial No. 09/226,380, filed 1/6/1999, now U.S. Patent No. 6,514,083 B1, which is a continuation application of Provisional U.S. Patent Application Serial No. 60/070,626, filed 1/7/1998, all of which are incorporated herein by reference, and is related to copending U.S. Patent Application Serial No. 08/951,089, filed 10/15/1997, now U.S. Patent No. 6,532,022 B1; U.S. Patent Application Serial No. 08/951,070, filed 10/15/1997, now U.S. Patent No. 6,072,494; U.S. Patent Application Serial No. 09/174,491, filed 10/15/1998, now U.S. Patent No. 6,411,744 B1; U.S. Patent Application Serial No. 08/951,087, filed 10/15/1997, now U.S. Patent No. 6,101,289; U.S. Patent Application Serial No. 08/943,681, filed 10/15/1997, now U.S. Patent No. 6,130,677; U.S. Patent Application Serial No. 09/173,583, filed 10/15/1998,

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now U.S. Patent No. 6,384,819 B1; U.S. Patent Application Serial No. 08/950,404, filed 10/15/1997, now U.S. Patent No. 6,031,934; and U.S. Patent Application Serial No. 08/951,083, filed 10/15/1997, now U.S. Patent No. 6,118,459; all assigned to the assignee of the present application and all of which are incorporated herein by reference.--, so as to clarify the status.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2-5, 8, 13, 14 and 18 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The dependency of claim 2 is indefinite, because there is no claim 31. In addition, the references for “providing the request karaoke content to a plurality of local karaoke units” (as per claim 3), “using a content mirror site” (as per claim 4), “performing an operation to transfer information” (as per claim 5), the “control process” (as per claim 13), the “karaoke module” (as per claim 14) and the “remote karaoke unit” (as per claim 18) are unclear. Further, it is not understood as to whether claim 8 is independent claim or not. If it is an independent claim then claim 8 is incomplete for omitting essential steps of all the needed structural method steps for the claimed program instructions stored in the computer readable media, such omission amounting to a gap between the steps. See MPEP § 2172.01. If it is a dependent claim, then it is indefinite, because it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-6, 8-10 and 12-19 as best understood are rejected under 35 U.S.C. 102(a) as being anticipated by Funahashi et al (U.S. Pat. No. 5,691,915). The broadly claimed structure can be interpreted as the data transmission device of Funahashi et al. Figs. 1-8 of Funahashi et al broadly discloses the method and system for providing networked karaoke entertainment comprising the network configured to provide a requested karaoke content to a plurality of interactive karaoke entertainment system (M3, 5) having the audio system (45, 47, 49) and video system (59, 51, 53), and the processor (61) configured to determine whether an accounting polling event has occurred and if so to upload accounting information to a remote server (M2, 3), to create an accounting entry concerning the provision of the karaoke content to the requested interactive karaoke entertainment system, and to determine whether the requested karaoke content is available locally and if not obtain the requested karaoke content from the remote server (see Figs. 6 and 7).

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Allowable Subject Matter

7. Claims 7 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yuen et al (U.S. Pat. No. 6,091,884) - note Figs. 1-102b;

Shear et al (U.S. Pub. No. 2001/0042043 A1) - note Figs. 1A-15C;

Hayes et al (U.S. Pub. No. 2002/0140571 A1) - note Figs. 1-30;

Ellis et al (U.S. Pub. No. 2004/0117831 A1) - note Figs. 1A-67.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe H. Cheng whose telephone number is (571)272-4433. The examiner can normally be reached on Tue. - Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joe H. Cheng
Primary Examiner
Art Unit 3713

Joe H. Cheng
January 19, 2005

